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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

## FRESNO DIVISION

In re: ) Case No. 10-13905-A-7  
ROXANNE HARVEY, ) Chapter 7  
Debtor. ) DC No. UST-1  
 ) Date: September 15, 2010  
 ) Time: 9:00 a.m.  
 ) Place: U.S. Bankruptcy Court  
 ) Department A, Courtroom 11  
 ) 2500 Tulare Street  
 ) Fresno, California  
 ) Judge: Whitney Rimel

**DECLARATION OF GREGORY S. POWELL IN SUPPORT OF UNITED STATES  
TRUSTEE'S MOTION FOR REVIEW OF FEES PURSUANT TO 11 U.S.C. § 329**

I, Gregory S. Powell, do declare as follows:

1. I am a Trial Attorney employed by the United States Department of Justice, Office of the United States Trustee, in Fresno, California, and the attorney of record for the United States Trustee in this case. I am duly admitted to practice before this court and all courts in the State of California. This declaration is based upon facts of which I have personal knowledge, as well as judicially-noticeable facts, such as filing dates, apparent from the court's records in this proceeding. This declaration is made in my official capacity as a representative of the United States Trustee, without waiving the attorney client privilege or the work product privilege.

2. A voluntary petition for liquidation under chapter 7 was filed by attorney George

1 Holland, Jr. (“Holland”) on behalf Roxanne Harvey (the “Debtor”) on April 13, 2010 (the  
2 “Petition Date.”) Holland signed the petition with “/s/” as counsel of record for the Debtor.

3       3. Sheryl Ann Strain was appointed the chapter 7 trustee. The first date set for the  
4 Section 341(a) meeting of creditors was May 14, 2010.

5       4. The petition was filed as a “skeletal” petition, and a Notice Of Incomplete Filing And  
6 Notice Of Intent To Dismiss Case If Documents Are Not Timely Filed (“NOID”) was entered on  
7 April 14, 2010, requiring that the missing schedules, statements and certificate of Credit  
8 Counseling be filed no later than April 27, 2010. **Exhibit “1”**.

9       5. On April 27, 2010, Holland filed an Application To Extend Time to file the missing  
10 documents<sup>1</sup> [**Exhibit “2”**] and on May 6, 2010, an Order of this Court was entered granting an  
11 extension of time to file the missing documents until May 11, 2010.

12       6. The missing documents were filed a day after the deadline, on May 12, 2010.

13       7. Among the documents filed on May 12, 2010, was a “Disclosure of Compensation of  
14 Attorney For Debtor” stating that Holland received \$1,000 for services as counsel for the Debtor.  
15 **Exhibit “3”**. This form indicates that, in return for the \$1,000, Holland agreed to, among other  
16 things, represent the debtor at the meeting of creditors. See paragraph 5.c. of **Exhibit “3”**. In  
17 addition, the Statement of Financial Affairs, also filed on May 12, 2010, states that Holland was  
18 paid \$1,648 on April 12, 2010.

19       8. On May 14, 2010, the date first set for the 341(a) meeting of creditors, the Debtor  
20 appeared with special appearance counsel, Marshall Mushigian. Because the chapter 7 trustee  
21 had not been served with a copy of the schedules and statements, and the documents were not yet  
22 showing on PACER, the trustee did not examine the Debtor and continued the 341(a) meeting to  
23 June 4, 2010.

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25       <sup>1</sup>The Application to Extend Time filed on April 27, 2010, and an amended Application to  
26 Extend Time filed on May 5, 2010, were both signed by two attorneys for the Debtor: Holland,  
27 and “Henri E. Norris, Esq, DC Bar# 370646”. Henri E. Norris is also named as attorney for the  
28 Debtor in the upper left hand corner of the caption page of the pleading. A search of the  
California State Bar attorney search (<http://members.calbar.ca.gov/search/member.aspx>) does not  
show Henri E. Norris as a member of the State Bar of California.

1       9. The court issued an Order to Show Cause Re Dismissal or Imposition of Sanctions  
2 Combined with Notice Thereof (OSC) to the debtor and debtor's counsel for failure to attend §  
3 341 meeting. The hearing was set for July 7, 2010. Debtor appeared at the OSC, but Holland did  
4 not appear, and an Order Dismissing Case was filed on July 13, 2010.

5       I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct to the best of my knowledge.

7  
8       Dated: August 12, 2010.

      /s/  
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      Gregory S. Powell

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